

REMARKS

Claims 1-7, 8-16, 19, 20, 103-111, as amended, and new claims 112 and 113 remain in the present application for the Examiner's review and consideration. Applicants appreciate the allowance of claims 1-7. Claims 17, 18, 21-102 were previously cancelled.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 102(e)

Claims 8, 12, 13, 15, 16, 19, and 104 are rejected under 35 U.S.C. § 102(e) as being anticipated by either U.S. Patent Appl. Publication No. 2003/0082426 ("the '426 reference") to Bullock *et al.* or U.S. Patent Appl. Publication No. 2003/0082416 ("the '416 reference") to Bullock *et al.*, collectively the "Bullock references."

Independent claim 8 has been amended to now recite, in part, "the controller executes the shut-down sequence when an electronic device that the fuel cell powers or the fuel cell is turned off." Support for this amendment is found in at least two places in the originally filed application. First, a passage at p. 18, lines 4-7 (emphasis added), states:

The information storage device may be programmed such that when the electronic device, the fuel cell device and/or refilling device are turned off, fuel is pumped away from the outlet 22 in case cartridge 12 is removed. As a result, if cartridge 12 is removed, fuel is not present near the outlet.

Second, a passage at p. 27, lines 9-11 (emphasis added), states:

When the electronic device is turned off, the controller executes a shut-down procedure, which may include the steps of pumping fuel in the fluidic system back into the cartridge or pumping this fuel to mixing chamber 250.

As amended, independent claim 8 better defines the invention by reciting an important distinction between the Bullock references. Particularly, as acknowledged by the Examiner, paragraph [0043] of the Bullock references states, "if the current fuel level is zero, then the PDA 100 or other host device will be disabled." Thus, the claimed invention, unlike the prior art recites that the shut-down sequence is executed after the electronic device or the fuel cell is turned off. The cited art may disclose a device being turned off, but it does not describe a shut-down sequence to be executed thereafter.

Given that neither the '426 reference nor the '416 reference discloses each and every element of independent claim 8, it is patentable over those references. Claims 12, 13, 15, 16, 19,

and 104 all depend upon allowable claim 8 and add further limitations thereto, and therefore are patentable for that reason alone. Applicants reserve the right to further support the patentability of these dependent claims, should that become necessary.

In view of the aforementioned remarks, Applicants respectfully request that the rejections under Section 102(e) be withdrawn.

Rejections under 35 U.S.C. § 103(a)

Claims 9-11, 14, 20, 103, and 111 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either the '426 reference or the '416 reference, each taken in view of U.S. Patent Appl. Publication No. 2002/0154915 ("the '915 reference") to Bullock *et al.*, U.S. Patent Appl. Publication No. 2003/0138679 ("the '679 reference") to Prased *et al.*, and U.S. Patent Appl. Publication No. 2008/0072091 ("the '091 reference") to Hanson *et al.*

Claim 8, which is not rejected under 35 U.S.C. § 103(a), remains patentable because the deficiencies of the Bullock references are not overcome by the '915 reference, the '679 reference, or the '091 reference. Claims 9-11, 14, 20, 103, and 111 all depend from allowable claim 8 and add further limitations thereto, and therefore are patentable for that reason alone. Applicants reserve the right to further support the patentability of these dependent claims, should that become necessary.

In view of the aforementioned remarks, Applicants respectfully request that the rejections under Section 103(a) be withdrawn.

Claims 105-110, 112

The Examiner objected to claims 105-110 but did not specify a reason for the objection. Because claims 105-110 were not rejected over the prior, the Applicants assume that claims 105-110 are objected to as being dependent on a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Under this assumption, the Applicants have rewritten claim 105 in independent form to include all of the limitations of base claim 8. Claims 106-110 depend from claim 105 and are maintained in their original form. New claim 112, which corresponds substantially to claim 111, has been added to better define the invention. Applicants respectfully submit that claims 105-110 and 112 are now in condition for allowance.

New Claim 113

New claim 113 has been added to better define the invention by reciting that in one embodiment, a “shut-down sequence comprises instructions for reducing fuel at the interface of the fuel supply and fuel cell.” Support for this claim is found, at least, in the originally filed specification at page 18, lines 24-26. Thus, no new matter has been added. Furthermore, Applicants believe that new claim 113 is encompassed within elected Group I, because it is drawn to a first fuel supply, as defined in the Restriction Requirement mailed March 8, 2007, and it depends directly from elected independent claim 8.

Applicants respectfully submit that new claim 113 is patentable over the cited prior art, because it depends from allowable claim 8 and adds further limitations thereto, and therefore is patentable for that reason alone. Applicants reserve the right to further support the patentability of this dependent claim, should that become necessary.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Applicants are submitting herewith (i) a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 C.F.R. § 1.137(b), because the entire delay in filing this required reply was unintentional with a \$1620 fee, and (ii) a Petition for Extension of Time under 37 C.F.R. § 1.136(a) with a fee of \$1110.

29 claims (3 of which are independent) are currently pending. The highest number of claims previously paid is 102 claims (13 of which are independent). Hence, no fee for additional claims is due.

Applicants believe that no other fees are due in connection with the submission of this

Response. However, if any other fees are due, the Commissioner may charge appropriate fees to The H.T. Than Law Group, Deposit Account No. 50-1980, and if any extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. § 1.136(a).

Respectfully submitted,

Date: June 17, 2009

/H.T. Than/

H.T. Than, Registration No. 38,632
Attorney for Applicants

The H.T. Than Law Group
Waterfront Center
1010 Wisconsin Ave., NW, Suite 560
Washington, D.C. 20007

HTT/PBS

(202) 363-2620

Enclosures:

Petition for Revival of an Application for Patent Abandoned Unintentionally under 37
C.F.R. § 1.137(b)
Petition for Extension of Time under 37 C.F.R. § 1.136(a)